

SENATE BILL No. 430

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-10-1; IC 25-27-1.

Synopsis: Physical therapy. Allows a physical therapist to provide subsequent treatment to a patient who was previously referred to the physical therapist for the same condition if: (1) the referral was given not more than 12 months before the request for subsequent treatment; and (2) the physical therapist contacts the referring provider within three days. Allows a physical therapist to evaluate a patient without a referral, but requires the physical therapist to contact the patient's appropriate provider and obtain a referral before providing treatment. Specifies when a psychologist may refer a patient to a physical therapist. Specifies that a physical therapist may perform sharp debridement only on the order of a physician.

Effective: July 1, 2005.

Miller

January 13, 2005, read first time and referred to Committee on Health and Provider Services.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 430

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-10-1-1.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) There is created
3 a board of chiropractic examiners. The board shall consist of seven (7)
4 members appointed by the governor, not more than four (4) of whom
5 may be affiliated with the same political party. Six (6) of the board
6 members must be licensed under this chapter and must have had at
7 least five (5) years of experience as a chiropractor prior to their
8 appointment. One (1) member is to represent the general public and
9 must be:
10 (1) a resident of this state; and
11 (2) in no way associated with the profession of chiropractic other
12 than as a consumer.
13 (b) All members shall be appointed for a term of three (3) years and
14 serve until their successors are appointed and qualified. A vacancy
15 occurring on the board shall be filled by the governor by appointment.
16 Each appointed member shall serve for the unexpired term of the
17 vacating member.

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(c) The members of the board are entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. The officers serve for a term of one (1) year. The board shall meet at least once each year and on other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum for the transaction of business. All decisions are required to be made by a majority vote of the quorum.

(e) The bureau shall provide a secretary of the board and other personnel necessary for the proper performance of the board's duties and responsibilities under this chapter. The board, through the bureau, shall receive and account for all money collected under this chapter and pay the money to the treasurer of state to be deposited by the treasurer in the general fund of the state.

(f) The board may do the following:

- (1) Establish reasonable application, examination, and renewal procedures for certification under this chapter.
- (2) Use an examination under this chapter that is designed by the board, designed by another person, or designed in part by the board and in part by another person.
- (3) Conduct in the manner prescribed by the board examinations of applicants for certification under this chapter. The board may conduct any part of the examinations through a person other than the bureau who is approved by the board. The bureau may conduct any part of the examinations under IC 25-1-5-4.
- (4) Issue, deny, suspend, revoke, and renew certificates.
- (5) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals certified or not certified under this chapter, concerning alleged violation of this chapter with hearings to be conducted in accordance with IC 4-21.5.
- (6) Initiate the prosecution and enjoinder of a person violating this chapter.
- (7) Adopt rules necessary for the proper performance of the board's duties, in accordance with IC 4-22-2.
- (8) Maintain a current list of individuals certified under this

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chapter.

(9) Establish a code of professional conduct.

(10) Adopt rules under IC 4-22-2 to allow chiropractors licensed under this chapter to delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column under ~~section 14(c)(4)~~ **section 14(d)(4)** of this chapter.

(11) Adopt rules under IC 4-22-2 establishing standards for the registration and regulation of chiropractic management consultants (as defined by the board under IC 25-10-2).

(12) Set fees for the annual registration of a chiropractic management consultant under IC 25-10-2.

(g) The board shall adopt rules establishing standards for the competent practice of the science of the chiropractic in accordance with IC 4-22-2.

(h) All expenses incurred in the administration of this chapter shall be paid from the state general fund upon appropriation being made in the manner provided by law for the making of appropriations.

SECTION 2. IC 25-10-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section applies to all persons, including persons listed in IC 25-22.5-1-2.

(b) As used in this section, "manual adjustment" means a manual or mechanical intervention that may have velocity, lever, amplitude, or recoil and that:

(1) may carry a joint complex beyond the normal physiological range of motion;

(2) is applied without exceeding the boundaries of anatomical integrity of the joint complex or other articulations; and

(3) is intended to result in a cavitation of the joint or a reduction of a subluxation.

~~(b)~~ **(c)** A person may manually manipulate, manually adjust, or manually mobilize the spinal column or the vertebral column of an individual only if the person is:

(1) a chiropractor who has been issued a license under this chapter;

(2) a physician who has been issued an unlimited license to practice medicine under IC 25-22.5; or

(3) an osteopathic physician who has been issued a license to practice osteopathic medicine under IC 25-22.5.

~~(c)~~ **(d)** A person may not delegate the manual manipulation, manual adjustment, or manual mobilization of the spinal column or the vertebral column of an individual to another person, unless the other

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person is:

- (1) licensed as a chiropractor under this chapter;
- (2) licensed as a physician with an unlimited license to practice medicine under IC 25-22.5;
- (3) licensed as an osteopathic physician with a license to practice osteopathic medicine under IC 25-22.5;
- (4) a student in the final year of course work at an accredited chiropractic school participating in a preceptorship program and working under the direct supervision of a chiropractor licensed under this chapter; or
- (5) a graduate of a chiropractic school who holds a valid temporary permit issued under section 5.5 of this chapter.

~~(d)~~ **(e)** If a violation of subsection ~~(b)~~ **or** (c) **or** ~~(d)~~ is being committed:

- (1) the board in its own name;
- (2) the board in the name of the state; or
- (3) the prosecuting attorney of the county in which the violation occurs, at the request of the board and in the name of the state;

may apply for an order enjoining the violation from the circuit court of the county in which the violation occurs.

~~(e)~~ **(f)** Upon a showing that a person has violated subsection ~~(b)~~ **or** (c) **or** ~~(d)~~, the court may grant without bond an injunction, a restraining order, or other appropriate order.

~~(f)~~ This section does not apply to a physical therapist practicing under IC 25-27. However, a physical therapist may not practice chiropractic (as defined in IC 25-10-1-1) or medicine (as defined in IC 25-22.5-1-1.1) unless licensed to do so.

SECTION 3. IC 25-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. For the purposes of this chapter:

- (1) "Physical therapy" means the evaluation of, administration of, or instruction in physical rehabilitative and habilitative techniques, **manual therapy**, and procedures to evaluate, prevent, correct, treat, alleviate, and limit physical disability, pathokinesiological function, bodily malfunction, pain from injury, disease, and any other physical disability, ~~or mental disorder~~, including:

- (A) the use of physical measures, agents, and devices for preventive and therapeutic purposes;
- (B) neurodevelopmental procedures;
- (C) the performance, interpretation, and evaluation of physical therapy tests and measurements; and

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(D) the provision of consultative, educational, and other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.

(2) "Physical therapist" means a person who practices physical therapy as defined in this chapter.

(3) "Physical therapist's assistant" means a person who assists in the practice of physical therapy as defined in this chapter.

(4) "Board" refers to the medical licensing board.

(5) "Committee" refers to the Indiana physical therapy committee established under section 4 of this chapter.

(6) "Person" means an individual.

(7) "Manual therapy" means a group of techniques comprising a continuum of skilled passive movements to the joints or related soft tissues throughout the normal range of physiological motion that are applied at varying speeds and amplitudes without engaging in a technique that is intended to result in a cavitation of the joint or a reduction of a subluxation.

(8) "Sharp debridement" means the removal of foreign material or dead tissue from or around a wound, without anesthesia and with generally no bleeding, through the use of:

(A) a sterile scalpel;

(B) scissors;

(C) forceps;

(D) tweezers; or

(E) another sharp medical instrument;

in order to expose healthy tissue, prevent infection, and promote healing.

SECTION 4. IC 25-27-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as otherwise provided in this chapter, it is unlawful for a person to practice physical therapy or to profess to be a physical therapist, physiotherapist, or physical therapy technician or to use the initials "P.T.", "P.T.T.", or "R.P.T.", or any other letters, words, abbreviations, or insignia indicating that the person is a physical therapist, or to practice or to assume the duties incident to physical therapy without first obtaining from the board a license authorizing the person to practice physical therapy in this state.

(b) **Except as provided in section 2.5 of this chapter,** it is unlawful for a person to practice physical therapy other than upon the order or referral of a physician, podiatrist, psychologist **(only as**

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allowed under subsection (e)), chiropractor, or dentist holding an unlimited license to practice medicine, podiatric medicine, psychology, chiropractic, or dentistry, respectively. It is unlawful for a physical therapist to use the services of a physical therapist's assistant except as provided under this chapter. For the purposes of this subsection, the function of:

- (1) teaching;
- (2) doing research;
- (3) providing advisory services; or
- (4) conducting seminars on physical therapy;

is not considered to be a practice of physical therapy.

(c) Except as otherwise provided in this chapter, it is unlawful for a person to act as a physical therapist's assistant or to use initials, letters, words, abbreviations, or insignia indicating that the person is a physical therapist's assistant without first obtaining from the board a certificate authorizing the person to act as a physical therapist's assistant. It is unlawful for the person to act as a physical therapist's assistant other than under the direct supervision of a licensed physical therapist who is in responsible charge of a patient or under the direct supervision of a physician. However, nothing in this chapter prohibits a person licensed or registered in this state under another law from engaging in the practice for which the person is licensed or registered. These exempted persons include persons engaged in the practice of osteopathy, chiropractic, or podiatric medicine.

(d) **Except as provided in section 2.5 of this chapter,** this chapter does not authorize a person who is licensed as a physical therapist or certified as a physical therapist's assistant to:

- (1) evaluate any physical disability ~~or mental disorder~~ except upon the order or referral of a physician, podiatrist, ~~psychologist,~~ chiropractor, or dentist;
- (2) practice medicine, surgery (as described in IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy, psychology, chiropractic, or podiatric medicine; or
- (3) prescribe a drug or other remedial substance used in medicine.

(e) A psychologist may refer a patient to a physical therapist under this chapter only for treatment directly related to a condition:

- (1) for which the psychologist is treating the individual; and**
- (2) that is within the psychologist's scope of practice described in IC 25-33-1.**

SECTION 5. IC 25-27-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2005]: **Sec. 2.5. (a) A physical therapist may evaluate an individual without a referral from a provider described in section 2(b) of this chapter. However, the physical therapist:**

(1) shall contact the individual's appropriate provider for a referral not later than three (3) business days after the physical therapist evaluates the individual; and

(2) shall obtain a referral from the appropriate provider before providing treatment to the individual.

(b) Notwithstanding subsection (a) and except as provided in section 3.5 of this chapter, a physical therapist may provide subsequent treatment of a condition to an individual who was previously referred to the physical therapist for the same condition if the referral that authorized the previous treatment under section 2(b) of this chapter was given not more than twelve (12) months before the date the individual requests subsequent treatment from the physical therapist. However, the physical therapist shall consult with the individual's original referring provider not later than three (3) days after the physical therapist provides subsequent treatment to the individual under this subsection.

SECTION 6. IC 25-27-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. A physical therapist may not perform sharp debridement unless the physical therapist performing the sharp debridement is acting on the order of a physician licensed under:

(1) IC 25-22.5; or

(2) IC 25-29.

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